

WILLMAR CITY COUNCIL PROCEEDINGS
COUNCIL CHAMBERS
WILLMAR MUNICIPAL UTILITIES BUILDING
WILLMAR, MINNESOTA

May 16, 2016
7:00 p.m.

The regular meeting of the Willmar City Council was called to order by the Honorable Mayor Marv Calvin. Members present on a roll call were Mayor Marv Calvin, Council Members Audrey Nelsen, Steve Ahmann, Ron Christianson, Rick Fagerlie, Shawn Mueske, Andrew Plowman and Tim Johnson. Council Members Denis Anderson and Shawn Mueske were excused from the meeting. Present 7, Absent 2.

Also present were City Administrator Larry Kruse, City Clerk Kevin Halliday, Community Education and Recreation Director Steve Brisendine, Public Works Director Sean Christensen, Police Chief Jim Felt, Finance Director Steve Okins, Planning and Development Services Director Bruce Peterson, and City Attorney Robert Scott.

Proposed additions to the agenda included the Kandiyohi County CEO Program by Mayor Calvin and school issue by Council Member Ahmann.

Council Member Christianson offered a motion to adopt the Consent Agenda which included the following items: City Council Minutes of May 2, Willmar Municipal Utilities Board Minutes of May 9, Planning Commission Minutes of May 11, Accounts Payable Report through May 11, and the Building Inspection Report for April, 2016. Council Member Fagerlie seconded the motion which carried.

At 7:01 p.m. Mayor Calvin opened the Assessment Hearing for the purpose of reviewing and explaining the proposed assessments and to obtain input from interested parties for the 2016 Street and Other Improvements. Public Works Director Sean Christensen addressed the Council and the public presenting the proposed construction schedule and assessment figures. He described the payment process for assessments and detailed the proposed construction of each street project. The total project cost is in excess of \$2.6 million with the assessed value of about \$903,550.00, and the remaining cost to be paid by the City.

Gary Hedlof, 1500 SW 7 ½ Street, spoke during the public hearing. He owns a six-unit building on a corner lot which will be assessed on both sides. He asked if his property would be affected by any excavation and expressed his concern of the intersection flooding and would like the storm sewer upgraded so he has the ability to tie his sump pump from the building into the storm water system.

John Lingfelter, 1812 SW 7 ½ Street, spoke of the street being overlaid just over ten years ago and he just completed paying for it. City Clerk Halliday stated he will check into the assessment records and adjustments will be made if necessary.

Diane Bruse, 1601 SW 7 ½ Street, also stated she felt it had not been that long since 7 ½ Street was done and the work performed on this street was not done satisfactorily. She wants the City to look into why they seem to have so many problems with the condition of their street.

Sally Wyatt, owns 1816 SW 7 ½ Street, stated her assessment if over \$9,000 which seems extreme. Ms. Wyatt owns a 130 foot lot and according to the assessment policy for corner lots her assessment was based on interior lot footages and lowered to 117 feet. Staff will look into this further and report back to her.

Tom Gilbertson, 1601 Civic Center Drive, spoke on the Lakeland Drive overlay requesting information related to state funding and the street being established as a truck route. He questioned if the state aid would reduce the assessment. Mayor Calvin responded "no."

Mayor Calvin read aloud a letter of appeal into the record from John Finn of 1405 Lakeland Drive NE.

There being no one further to speak for or against the proposed assessments, Mayor Calvin closed the hearing at 7:31 p.m. and opened it up for discussion by the Council.

Resolution No. 1 was introduced by Council Member Christianson, seconded by Council Member Fagerlie to Adopt the Assessment Roll. City Attorney Robert Scott advised the Council to amend the motion to pass upon each objection as presented. Council Member Christianson amended the motion rejecting each stated objection. Council Member Fagerlie seconded the motion, which carried. The resolution was reviewed by Mayor Calvin, and approved on a roll call vote of Ayes 6, Noes 0

RESOLUTION NO. 1

ADOPTING ASSESSMENT ROLL

WHEREAS, pursuant to notice duly given as required by law, the City Council has met, heard, and passed upon all objections to the proposed assessment for 2016 Street and Other Improvements, and has amended such proposed assessment as it deems just;

NOW THEREFORE, BE IT RESOLVED by the City Council of the City of Willmar, Minnesota, as follows:

1. Such proposed assessment, the sum of \$903,550.00, a copy of which is attached hereto and made a part hereof, is hereby accepted and shall constitute the special assessment against the lands named therein, and each tract of land therein is hereby found to be benefited by the proposed improvement listed as Project 1601.
2. Such assessments shall be as follows:
 - A. The assessments shall be payable in equal annual installments extending over a period of ten (10) years, the first of said installments to be payable with general taxes for the year 2016, collectible with such taxes during the year 2017.
 - B. To the first installment shall be added interest at the rate of five and zero hundredths (5.00) percent per annum on the entire principal amount of the assessment from the date of funding, approximately July 1, 2016, until December 31, 2017. To each subsequent installment, when due there shall be added interest for one year at said rate on the unpaid principal amount of the assessment.
 - C. The owner of any property so assessed may at any time prior to the certification of the assessment or the first installment thereof to the County Auditor (Treasurer), pay the whole of the principal amount of the assessment on such property with interest accrued to the date of payment to the City Clerk-Treasurer, except that no interest shall be charged if the entire assessment is paid by October 31, 2016, and such property owner may at any time prior to November 15 of any year pay to the City Clerk-Treasurer the entire principal amount.
3. The City Clerk-Treasurer shall forthwith transmit a certified duplicate copy of this assessment to the County Auditor to be extended on the tax list of the County.

Dated this 16th day of May, 2016.

/s/ Marv Calvin
Mayor

/s/ Kevin Halliday
Attest: City Clerk

Pursuant to the previous action, the Council was desirous of awarding the Streets and Other Improvements contracts as bid.

Resolution No. 2 was introduced by Council Member Christianson, seconded by Council Member Ahmann, reviewed by Mayor Calvin, and approved on a roll call vote of Ayes 6, Noes 0.

RESOLUTION NO. 2

BE IT RESOLVED by the City Council of the City of Willmar, a Municipal Corporation of the State of Minnesota, that the bid of Duininck, Inc. for Project No. 1601 is accepted, and be it further resolved that the Mayor and City Administrator of the City of Willmar are hereby authorized to enter into an agreement with the bidder for the terms and consideration of the contract in the amount of \$812,211.00.

Dated this 16th day of May, 2016.

/s/ Marv Calvin
Mayor

/s/ Kevin Halliday
Attest: City Clerk

Resolution No. 3 was introduced by Council Member Christianson, seconded by Council Member Johnson, reviewed by Mayor Calvin, and approved on a roll call vote of Ayes 6, Noes 0.

RESOLUTION NO. 3

BE IT RESOLVED by the City Council of the City of Willmar, a Municipal Corporation of the State of Minnesota, that the bid of Crow River Construction for Project No. 1602 is accepted, and be it further resolved that the Mayor and City Administrator of the City of Willmar are hereby authorized to enter into an agreement with the bidder for the terms and consideration of the contract in the amount of \$240,572.25.

Dated this 16th day of May, 2016.

/s/ Marv Calvin
Mayor

/s/ Kevin Halliday
Attest: City Clerk

Resolution No. 4 was introduced by Council Member Christianson, seconded by Council Member Fagerlie, reviewed by Mayor Calvin, and approved on a roll call vote of Ayes 6, Noes 0.

RESOLUTION NO. 4

BE IT RESOLVED by the City Council of the City of Willmar, a Municipal Corporation of the State of Minnesota, that the bid of Duininck, Inc. for Project No. 1603-A is accepted, and be it further resolved that the Mayor and City Administrator of the City of Willmar are hereby authorized to enter into an agreement with the bidder for the terms and consideration of the contract in the amount of \$679,238.55.

Dated this 16th day of May, 2016.

/s/ Marv Calvin
Mayor

/s/ Kevin Halliday
Attest: City Clerk

Resolution No. 5 was introduced by Council Member Christianson, seconded by Council Member Johnson, reviewed by Mayor Calvin, and approved on a roll call vote of Ayes 6, Noes 0.

RESOLUTION NO. 5

BE IT RESOLVED by the City Council of the City of Willmar, a Municipal Corporation of the State of Minnesota, that the bid of Duininck, Inc. for Project No. 1603-B is accepted, and be it further resolved that the Mayor and City Administrator of the City of Willmar are hereby authorized to enter into an agreement with the bidder for the terms and consideration of the contract in the amount of \$548,407.75..

Dated this 16th day of May, 2016.

/s/ Marv Calvin
Mayor

/s/ Kevin Halliday
Attest: City Clerk

At 7:37 p.m. Mayor Calvin opened the hearing on an Ordinance Abolishing the City Assessor's Office. City Administrator Larry Kruse presented the three recommendations relating to the abolishment of the Assessing Department and briefed the Council on the history of the actions that have led up to this hearing. City Administrator Kruse explained that the abolishment of the department would lead to the layoff of the City's two Appraisers, and if they so choose to continue to work for the City, their union contract provides them the opportunity to bump other positions by seniority within the City and remain employed. The City has facilitated conversations with the County to hire the employees and integrate them into the County's Assessing Department. City Administrator Kruse overviewed the financial status and the employee impacts of the merger and a proposed employee incentive.

Emily Lien, 1071 – 165th Avenue NW, New London, addressed the Council asking them to reconsider the abolishment of the Assessing Department expressing her concerns for employees and that it was a termination, not a merger.

Brenda VanDerPol, 318 SW 4th Street, Clara City, came before the Council to encourage them to keep the benefits of the assessing office within City Hall as a central location for the public to come and access all the departments at one central location.

Judy Thompson, 9358 – 82nd Avenue NE, Spicer, who has been employed by the City for the past 28 years and is currently within the Assessing Department stated the Assessor's Office is a huge asset to the City and its departments to include planning and zoning, the rental program, being a direct contact for new construction/plats and plan reviews. Some other departments that would be affected are the Engineering Department which inquires as to property boundaries and special assessment information. She urged the Council to reconsider abolishing the department.

Mary Scoon, AFSCME Union Representative, 2414 SE 4th Avenue, Willmar, stated the coordination of services provided through the Assessing Department is vital to the City. She questioned if other cities of equal size have been contacted to see if they abolished their departments, and if so, how well did it work. She opined that this is a very stressful situation for employees and has affected morale as two employees will be laid off.

There being no one further to speak for or against the abolishment of the Assessing Department, Mayor Calvin closed the hearing at 7:56 p.m. Council Member Christianson offered a motion to adopt, assign a number and order final publication of the Ordinance to Abolish the Assessor's Office with the City Clerk Department. Council Member Ahmann seconded the motion which opened it up for discussion.

Council Member Nelsen asked for information related to how the City assessing functions would be integrated with the County. City Administrator Kruse explained how the process could take place and how the City departments would be able to continue to gain access to information. He stated some of the duties that have been performed by the Assessing Department will migrate to different departments within the City. Council Member Christianson spoke on mergers that have taken place such as with the Community Education and Recreation Department and the Housing and Redevelopment Authority realizing it is never easy. The Council is responsible to look at the fiscal end and over time the savings is substantial.

Council Member Plowman expressed his concern for the employee morale at City Hall and questioned how this is going to be addressed. City Administrator Kruse explained to mitigate the bumping he is recommending an employee incentive for the Senior Assessor to even out the difference in the compensation package between the City and County. Council Member Johnson opined it appears the Council is weighing fiscal impact against human impact and the City has faced this situation before. This time is different as the City has been unable to replace the Assessor that has retired and the fiscal impact has increased. The motion carried on a roll call vote of Ayes 6, Noes 0.

City Administrator Kruse presented information related to the agreement with Kandiyohi County for perform the assessing duties for the City for the remainder of 2016 and 2017 in the amount of \$366,468.00. It was staff's recommendation to approve the agreement and authorize the Mayor and City Administrator to sign on behalf of the City. Council Member Christianson moved the recommendation of staff. Council Member Nelsen seconded the motion, which carried on a roll call vote of 6 Ayes and 0 Noes.

Council Member Plowman made a motion to move the next item on the agenda, which was an agreement providing an early retirement incentive to qualifying appraisers under Labor Relations on the Council agenda. Council Member Nelsen seconded the motion, which carried.

At 8:33 p.m., Mayor Calvin opened the continued hearing on an amendment to the City Charter proposed by the Charter Commission and brought before the Council approximately one month ago under Section 2.03. City Clerk Kevin Halliday detailed the Charter Commission's recommendation to add a new subdivision where a structure is set up to compel future City Councils to develop a vision, mission statement and strategic plan. The Charter Commission is recommending this be included under Section 2.03 – General Powers and Duties of the Council. It is the recommendation that the Council open the continued hearing, hear any further testimony and then close the hearing triggering a 30-day time period to take action, if and when eight Council Members are in attendance. It was suggested by City Attorney Robert Scott that the Council not close the hearing until June 6th allowing more time to receive all eight votes.

Kelly Welch, 1604 – 23rd Street SE, asked for direction from the City Attorney to City Clerk Kevin Halliday of what the Commission's alternatives are to successfully adopt Charter changes. Mayor Calvin stated it is the City's intent to keep the hearing open until eight members are present. City Attorney Scott was directed to provide in writing the options the Charter Commission has to continue depending on how the City proceeds at this meeting.

At 8:45 p.m. Mayor Calvin opened the continued ordinance hearing for amending City Charter Section 7.05 – Recall of the City Charter. City Clerk Kevin Halliday stated this section strikes out the current language whereby the Charter Commission desires to not address the issue of any reimbursements for legal services, supplies, printing, and notarial fees, and simply makes it clear that no City funds are to be expended for the actions of the Citizen Recall Committee nor can any committee member accept any remuneration for services performed on such a committee.

Kelly Welch spoke explaining the positive direction of this amendment to the Recall Section which makes it more understandable.

At 8:49 p.m. Mayor Calvin opened the continued ordinance hearing for amending City Charter Section 2.11 – Procedure. City Clerk Kevin Halliday stated this section of the Charter strikes through current

language detailing the known versions of parliamentary rules defaulting to the word “established” set of parliamentary rules. The Charter Commission believes this will properly position the City for the ever-changing rules and names in the future.

There was no one to speak for or against the amendment to the Charter Section 2.11.

At 8:50 p.m. Mayor Calvin opened the continued ordinance hearing for amending City Charter Section 9.04 – Oath of Office. City Clerk Kevin Halliday informed the Council this amendment adds detail to the current oath which is administered to elected or appointed officials and board and commission members. The Charter Commission believes clarity of individual offices and positions is beneficial for this City.

There being no one further to speak for or against the amendments to the Charter. Council Member Ahmann made a motion to continue the four hearings until June 6, 2016. Council Member Christianson seconded the motion, which carried.

Dr. Richard Kacher, 407 Country Club Drive, addressed the Council during the Open Forum. He stated he personally knows Mr. Negen who has worked on his aircraft for years. He is a member of the Airport Commission himself, and was not aware of any problems with the FBO and sees this as an embarrassment to the City and airport. He questions if Mr. Negen has been given due process.

Tom Butterfield, 1508 SW 6th Street, spoke during the Open Forum and encouraged the Council to develop a 20-year plan for park development and fixing our roads.

The Labor Relations Committee Report for May 11, 2016 was presented to the Mayor and Council by Council Member Ahmann. There were four items for consideration.

Item No. 1 City Administrator Larry Kruse presented a recommendation which resulted from a request by Public Works Director Sean Christensen to increase his vacation accrual rate to reflect his 13 years of experience as an Engineer prior to his employment with the City. Public Works Director Christensen currently accrues vacation at 80 hours a year which was agreed to at hiring, and it is staff’s recommendation to recognize his prior experience which would be a positive retention investment for the City. It was noted the change in accrual rate would be at no cost to the City.

The Committee discussed the recommendation and expressed concern for setting a precedent since this type of request has never occurred before. Council Member Mueske stated a mechanism needs to be developed to address such issues. A motion was made by Council Member Mueske, seconded by Council Member Christianson to direct City Administrator Kruse to develop a policy based on research with other cities to be brought back to the next Labor Relations Committee meeting. Council Member Ahmann moved the recommendation of the Committee. Council Member Christianson seconded the motion. Discussion was held pertaining to comments that took place at the Labor Relations meeting. Council Member Plowman made a motion to call the question; Council Member Christianson seconded the motion, which carried. The former motion was then passed.

Item No. 2 There were no comments from the public.

Item No. 3 City Administrator Kruse presented a revised job description which focused on the duties of a Human Resources person and detailed the activities this individual would be assigned. He also submitted for review a list of cities of similar size in Minnesota that have a Human Resource person. The Committee questioned whether these communities were staffed with a Human Resources person full or part-time as concern was expressed whether Willmar needs a full-time person in this capacity. City Administrator Kruse explained that currently most of the job duties are spread across the organization. Council Member Johnson stated he believes it should be a full-time position on the management level. After further discussion, the Committee directed Kruse to provide the job descriptions of employees currently doing the Human Resource functions with strikethroughs for a visual at the next Labor Relations Committee meeting. This was received by the Council for information only.

Item No. 4 City Administrator Kruse updated the Committee on the Assessing Department merger with Kandiyohi County. He informed the Committee that offers have been made by the County for the two remaining City Assessing employees and it is their decision to accept. By contract they may exercise their option to continue to work for the City by bumping to another department filling the position of the least senior unit employee as long as they meet the minimum qualifications. In an effort to support employees who have a significant amount of education and experience who decide to move to the County to continue to work in the assessing field, an incentive may be appropriate. City Administrator Kruse stated the County has offered a somewhat comparable compensation package, however employees with many years of experience will not receive as much vacation as they currently earn and net with insurance they may earn slightly less than if they stayed with the City. In some cases the Early Retirement Incentive Program's monthly payment may make the difference

City Administrator Kruse recommended the Committee consider that subject to the AFSCME Union signing off, the Council approves entering into an agreement to make the Early Retirement Incentive Program available to employees with more than 20 years of service whose department is being abolished. This would be subject to the City Attorney's review to ensure compliance with IRS regulations to contribute \$25,800 to the employee's HSA account or another permissible payment method that is tax deferred. This incentive is subject to an Assessing employee becoming an employee of Kandiyohi County Assessing.

The Committee was recommending the Council approve entering into an agreement to make the Early Retirement Incentive Program available as presented by City Administrator Kruse. Council Member Ahmann made a motion to approve the Early Retirement Incentive Program as presented. Council Member Christianson seconded the motion which passed on a roll call vote of 6 Ayes, 0 Noes.

Discussion was held pertaining to continuing training for the Council. The Committee also noted that the six-month performance evaluation for City Administrator Kruse is due in the near future and the format will be emailed and evaluated by the Council.

The Labor Relations Committee Report for May 11, 2016, was approved as presented and ordered placed on file in the City Clerk's Office upon motion by Council Member Ahmann, seconded by Council Member Christianson, which carried.

Mayor Calvin called a recess to the meeting at 9:30 p.m. At 9:37 p.m. the Council reconvened.

Mayor Calvin read the Proclamation extending an invitation for people to view the Vietnam Traveling Wall and reflect on those who have and continue to preserve our freedom. The wall will be at Robbins Island in Willmar from July 1 - 4, 2016.

The Public Works/Safety Committee Report for May 10, 2016 was presented to the Mayor and Council by Council Member Christianson. There were eight items for consideration.

Item No. 1 The Memorial Day activities at the Community Center were discussed by Darlene Schroeder.

Item No. 2 Fire Chief Frank Hanson noted the jail census for May 10, 2016 was 113; 41 inmates from the Department of Corrections, 67 inmates from Kandiyohi County and 5 inmates from other counties. The calls for service the previous two weeks totaled 741 and are 11 days ahead of this date last year. The majority of the calls for the previous two weeks were for traffic stops, followed by public assists and traffic complaints.

Chief Hanson noted total Fire Department calls for service the previous two weeks totaled 8. The calls included 2 building fires, 2 gasoline spills, 1 alarm activation, 1 crash, 1 grass fire and 1 battery change in someone's smoke detector. The Committee discussed the building fire at Scandia Apartments and training

offered for elected officials on their roles in the event of a natural disaster. The Council received these updated for information only.

Item No. 3 Staff brought forth, for information, an update on the Comprehensive Facilities Master Plan from CR-BPS. The plan includes a needs analysis of City buildings, facilities, land and physical plant operations in order to prioritize needs for modernization, replacement and growth. Laura Malwitz and Chad Kraemer, with CR-BPS, presented a draft report using the Community Center data. Rating systems on the facility condition and requirement index classify the overall condition of each facility in order to prioritize a project list of building updates and system upgrades. The Committee discussed also using an energy assessment of each facility, the potential of using LOST funds in the building needs and scheduling a work session to further evaluate the findings of the Facilities Master Plan. The Council received this for information.

Item No. 4 The Committee discussed the safety issue of parking at the Pheasant Run ball field. Parking is currently allowed on both sides of the street as long as driveways are not blocked. Additional patrol may be added for safety of the area when games are taking place. This was received by the Council for information only.

Item No. 5 Staff brought forth, for approval, the consideration of bids for the Public Works Garage roof replacement. Four bids were received and staff recommends West Central Roofing Contractors, Inc. be awarded the contract in the amount of \$86,642.86. The 2015 CIP includes \$120,000 for the replacement of the roof. The Committee was recommending the Council award the contract to West Central Roofing Contractors, Inc. in the amount of \$86,642.86 for the Public Works Garage roof replacement and authorize signatures.

Resolution No. 6 was introduced by Council Member Christianson, seconded by Council Member Nelsen, reviewed by Mayor Calvin, and approved on a roll call vote of Ayes 6, Noes 0.

RESOLUTION NO. 6

BE IT RESOLVED by the City Council of the City of Willmar, a Municipal Corporation of the State of Minnesota, that the bid of West Central Roofing Contractors, Inc. of Willmar, Minnesota for the Public Works Garage Roof Replacement is accepted, and be it further resolved that the Mayor and City Administrator of the City of Willmar are hereby authorized to enter into an agreement with the bidder for the terms and consideration of the contract in the amount of \$86,642.86.

Dated this 16th day of May, 2016.

/s/ Marv Calvin

Mayor

/s/ Kevin Halliday

Attest: City Clerk

Item No. 6 Staff brought forth, for approval, the consideration of quotes for the 2016 Crack Sealing Project No. 1606. Three quotes were received and staff recommends Midwest Asphalt Maintenance, LLC be awarded the contract in the amount of \$34,750. The Public Works operating budget includes \$70,000 allotted for crack sealing and seal coating and the total of the two projects is \$56,444.90. The Committee discussed a potential future joint presentation with Finance to evaluate future street projects and funding sources. It was the Committee's recommendation to the Council to award the Crack Sealing Project No. 1606 to Midwest Asphalt Maintenance, LLC in the amount of \$34,750 and authorizes signatures on the contract.

Resolution No. 7 was introduced by Council Member Christianson, seconded by Council Member Nelsen, reviewed by Mayor Calvin, and approved on a roll call vote of Ayes 6, Noes 0.

RESOLUTION NO. 7

BE IT RESOLVED by the City Council of the City of Willmar, a Municipal Corporation of the State of Minnesota, that the bid of Midwest Asphalt Maintenance, LLC for Project No. 1606 is accepted, and be it further resolved that the Mayor and City Administrator of the City of Willmar are hereby authorized to enter into an agreement with the bidder for the terms and consideration of the contract in the amount of \$34,750.00.

Dated this 16th day of May, 2016.

/s/ Marv Calvin
Mayor

/s/ Kevin Halliday
Attest: City Clerk

Item No. 7 Staff brought forth, for approval, to approve the cooperative construction agreement with Kandiyohi County in the amount of \$100,000 for the overlay Project No. 1603-A. The funds contributed by the county will partially fulfill their turn back obligation. The Committee was recommending the Council approve the cooperative construction agreement with Kandiyohi County in the amount of \$100,000 for Project No. 1603-A.

Resolution No. 8 was introduced by Council Member Christianson, seconded by Council Member Nelsen, reviewed by Mayor Calvin, and approved on a roll call vote of Ayes 6, Noes 0.

RESOLUTION NO. 8

**AUTHORIZATION TO EXECUTE
KANDIYOHI COUNTY COOPERATIVE CONSTRUCTION AGREEMENT**

BE IT RESOLVED by the City Council of the City of Willmar, a municipal corporation of the State of Minnesota, that the Mayor and City Administrator be authorized to enter into a Cooperative Construction Agreement between the City of Willmar and Kandiyohi County for the improvement project of Lakeland Drive NE included in Project No. 1603-A.

Dated this 16th day of May, 2016.

/s/ Marv Calvin
Mayor

/s/ Kevin Halliday
Attest: City Clerk

Item No. 8 Staff brought forth, for approval, a letter of support for Kandiyohi County to apply for a grant for Lake Wakanda shallow lakes restoration and enhancement project with Lessard-Sams Outdoor Heritage Council. The Committee was recommending the Council approve a resolution authorizing the mayor's signature on the letter of support for Kandiyohi County's grant application for Lake Wakanda.

Resolution No. 9 was introduced by Council Member Christianson, seconded by Council Member Nelsen, reviewed by Mayor Calvin, and approved on a roll call vote of Ayes 6, Noes 0.

RESOLUTION NO. 9

BE IT RESOLVED by the City Council of the City of Willmar to approve the signature of the Mayor for the letter of support of Kandiyohi County for their grant application to Lessard-Sams Outdoor Heritage Council for the Lake Wakanda Shallow Lakes Restoration and Enhancement Project.

Dated this 16th day of May, 2016.

/s/ Marv Calvin

Mayor

/s/ Kevin Halliday

Attest: City Clerk

The Committee discussed complaints of traffic speeding in the Minnegasco Park area of 16th Street and Minnesota Ave SW. The Committee discussed if any grants are available for tuck pointing at the Auditorium. City Administrator Kruse noted on May 24th at 1 and 7 pm there will be a Projects of Regional Significance listening sessions at the Community Center.

The Public Works/Safety Committee Report for May 10, 2016, 2016, was approved as presented and ordered placed on file in the City Clerk's Office upon motion by Council Member Christianson, seconded by Council Member Fagerlie, which carried.

The Community Development Committee Report for May 12, 2016 was presented to the Mayor and Council by Council Member Plowman. There were five items for consideration.

Item No. 1 There were no public comments.

Item No. 2 Staff presented a Council Action Request for the Dooley Brothers project. The next step in the process is to conduct a public hearing to consider the business subsidy agreement for the Dooley project. The final purchase price has been worked out based on the City's land write-down policy. Because the write-down exceeds \$150,000, it is considered a business subsidy under Minnesota Statutes. To grant the subsidy, the Council must conduct a public hearing prior to entering into the business subsidy agreement. The purchase price was written down based on Dooley's goals of creating 35 new jobs, and the City Assessor's Office has estimated the taxable market value of the improvements to exceed \$1.5 million. The City Attorney is working on the business subsidy agreement and it will be made available to the Council as soon as possible, prior to the hearing.

The Committee discussed the land transfer process, as well as the methodology for counting employees, how the purchase price was calculated, and the land write-down process in general. It was the Committee's recommendation to the Council that a public hearing be set for June 6, 2016 to consider the Business Subsidy Agreement for the Dooley project.

Council Member Plowman moved the recommendation of the Committee and set the business subsidy hearing for June 6, 2016. Council Member Fagerlie seconded the motion, which carried.

Item No. 3 Staff presented for Committee consideration two policies impacting physical development within the City. In the past, staff has had informal guidelines regarding driveway widths and building elevations. Staff now requests that those standards be reduced to writing and adopted as formal policies. Staff was proposing that driveway widths be restricted to 24' through the right-of-way for residential properties, and 32' through the right-of-way for commercial properties. Also, requested was the adoption of a policy to establish a minimum finished main floor elevation of 18" above top of curb for all new construction. The Committee discussed the objectives behind the policies. There were questions about neighborhood drainage issues. Staff was directed to research options to further regulate drainage within residential neighborhoods.

The Committee's recommendation to the Council was to adopt as policy maximum driveway widths as follows: Residential – 24' maximum through right-of-way and Commercial – 32' maximum through right-of-way. Also, to adopt as policy a minimum finished main floor elevation of 18" above top of curb for all new construction. Council Member Plowman moved the recommendation of the Committee. Council Member Fagerlie seconded the motion, which carried.

Item No. 4 The Committee discussed the pending land release for airport property. Staff was asked to request from the FAA a status report on their review.

The Committee discussed the Erickson Building (downtown) and staff explained to the Committee what the owner is proposing to do. There is no firm schedule for code corrections and staff will monitor the situation to keep it moving forward. These items were received by the Council for information only.

Item No. 5 Staff provided updates on the wye project and City involvement in negotiating a final agreement between the public partners and BNSF Railway. Also discussed were on-going issues with the FBO at the airport, including several instances of default under the FBO agreement.

Planning and Development Services Director Bruce Peterson was asked by Council Member Plowman to provide additional information relating to the FBO agreement. Planning and Development Services Director Peterson informed the Council that since the Community Development meeting he was notified by the City Attorney that this is a policy action requiring formal Council action to terminate the FBO agreement. He stated nothing has changed in the evidence of default with the primary issue being non proof of insurance for operations. City Attorney Robert Scott overviewed the contract and the rights of the City to terminate it.

Council Member Plowman made a motion to have the FBO issue placed on the next Community Development agenda for discussion. Council Member Fagerlie seconded the motion, which carried.

Discussion was held pertaining to the City's liability knowing the FBO has no insurance coverage. City Clerk Halliday briefed the Council on the concerns and liabilities that would not normally be the City's should the FBO have current insurance coverage.

Brian Negen addressed the Council agreeing it has been an ongoing issue stating times are tight and he is unable to do it all. He is bringing in help with a sales partnership to gain efficiencies. He has been comparing insurance companies and found it very difficult, yet stated he can provide the required insurance and would like to move forward and work things out. This matter was referred to the next scheduled Community Development Committee.

The Community Development Committee Report for May 12, 2016, was approved as presented and ordered placed on file in the City Clerk's Office upon motion by Council Member Plowman, seconded by Council Member Fagerlie, which carried.

City Clerk Kevin Halliday presented an application and permit for a One-Day to Four-Day Temporary On-Sale Liquor License from the Kandiyohi County Fair Association to sell alcohol during the fair from August 10 – 13, 2016. This is the first application for the Kandiyohi County Fair Association and they have indicated that the previously approved On-Sale 3.2% Malt Liquor License Holder Kandi Racing Association will be prohibited from conducting competing alcohol sales during the fair. It is staff's recommendation to approve the State Application and Permit for a One-Day to Four-Day Temporary On-Sale Liquor License for the Kandiyohi County Fair Association. Council Member Christianson moved the recommendation of staff. Council Member Fagerlie seconded the motion which carried on a roll call vote of 6 Ayes, 0 Noes.

Planning and Development Services Director Bruce Peterson brought forth for approval the final plat for Trentwood Estates Third Addition. Erickson Land Co. wishes to enlarge two existing parcels in Trentwood Estates by 24 feet to allow room for development of an assisted-living facility and meet all required setbacks. Erickson Land Company owns the AG parcel to the north of the two existing lots and a simple replat is required. The Planning Commission has approved the final plat and it is staff's recommendation that Council do the same. Council Member Christianson moved the recommendation of the Planning Commission and staff to approve the final plat for Trentwood Estates Third Addition. Council Member Fagerlie seconded the motion, which carried.

Announcements for Council Committee meeting dates were as follows: Finance, 4:45 p.m. at City Hall May 23; Public Works/Safety, 4:45 p.m. at City Hall, May 31; Community Development, 4:45 p.m. at City Hall, May 26, 2016.

Council Member Ahmann expressed his concern due to the development of the new elementary school, the possibility of the City and School District working together to develop some type of storm water retention on Ditch 23-A. Public Works Director Sean Christensen said conversations are taking place with the School District to see that any drainage issues are being addressed.

Council Member Johnson announced that he will not be seeking a third term for office. He thanked the residents of Ward 2 for granting him the privilege to represent them.

Council Member Christianson announced the Arbor Day Celebration will take place on May 17th at 1:30 p.m. at Robbins Island for tree planting.

Mayor Calvin announced the Kandiyohi County CEO Program had their event at MinnWest Technology Campus and it was a good opportunity to look at the young leaders that are coming out of our community. Mayor Calvin also announced the filing for City Council opens tomorrow morning and runs for two weeks and the Mayor's Bike Ride, which will take place on Friday, May 20th with two separate routes out of Willmar.

Council Member Christianson offered a motion to adjourn the meeting with Council Member Plowman seconding the motion, with carried. The meeting adjourned at 10:45 p.m.

Attest:

MAYOR

SECRETARY TO THE COUNCIL